

**WILLIAMSBURG CITY COUNCIL
WORK SESSION
NOVEMBER 7, 2005**

The Williamsburg City Council held a work session on Monday, November 7, 2005, at 2:00 p.m., in the City Council Chamber of the Stryker Building.

ATTENDANCE

Present were Ms. Zeidler, Messrs. Haulman, Scruggs, Chohany, and Freiling. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending: Assistant City Manager Miller, Economic Development Manager DeWitt, and Department Heads: Clayton, Serra, Yost, Hudson, and Walentisch.

CALL TO ORDER

Mayor Zeidler called the meeting to order.

OPEN FORUM

Mayor Zeidler asked for public comment.

No one wished to speak. The session was closed.

BACKGROUND PRESENTATIONS/DISCUSSIONS

Draft 2006 Legislative Priorities, Assistant City Manager, Jodi Miller

Reference for this item was Mr. Tuttle's report dated November 3, 2005. Mr. Tuttle said that at the October work session, Ms. Miller presented Council with a draft legislative agenda. The draft has been updated to include Council's comments and suggestions from that meeting. The draft included two new items: a request for full funding of public libraries and a request for amendment to the Code of Virginia to add Planning District 23 as an area in which local governments may regulate the cutting of high weeds and grass on occupied properties.

Nuisance item: Mr. Phillips explained that current enforcement provisions for the cutting of grass and weeds are restricted to unoccupied properties (except in Northern Virginia). The city is requesting that the Virginia Code be amended to allow local governing bodies in the Hampton Roads area be allowed to require the cutting of excessively high weeds and grass on occupied properties as well as unoccupied. Mr. Mark Flynn, attorney for the Virginia Municipal League, said that this item would have a better chance of being approved by the General Assembly if it had sponsors for the bill in both the Senate and in the House.

Council members concurred that this item be added to the legislative agenda. Mr. Tuttle agreed to contact localities in our area to gain support for this matter.

Consistent Voter Registration; Determination of Domicile: Mayor Zeidler asked that this year's priority list include last year's item regarding "Consistent Voter Registration; Determination of Domicile," providing Council concurs. Last year, no action was taken by the General Assembly on the city's request that Virginia electoral statutes be amended to more precisely prescribe the factors to be considered by voter registrars state-wide in making their determinations of domicile. Registrars around the state have not consistently interpreted the law. Mayor Zeidler said that the Voter Registrar agreed and the Voter Registrar's

Association of Virginia has included this item on their legislative agenda. Mr. Tuttle said that perhaps this year this item will get the support it needs.

Mr. Freiling agreed that the message is important and that it should be passed along to the General Assembly. Mr. Chohany noted that the college students would like more clarity in order to understand the rules and that the city be a leader in this matter. Council members concurred that this item be added to the city's legislative agenda and that Mr. Tuttle will use language consistent with that of the Voter Registrar's Association.

#2 Virginia Tourism Funding: Mr. Chohany and Mr. Scruggs said they have received the additional information they needed regarding this item. They supported this item, but urged that Colonial Williamsburg Foundation collaborate with the Chamber of Commerce and other community partners regarding a Regional Visitor Center. Mr. Freiling supported and urged an effort to promote a stronger unified voice about the need for tourism investment in Virginia. He asked Mr. Tuttle to promote the idea with the Chamber and other local governments where tourism is an equal or important priority.

State Taxation on Local Government Services: Mr. Scruggs urged that citizens should make their feelings about real estate tax rates known by voting for local elected officials in or out of office. Mr. Freiling hoped that people will not construe this request as local government run wild with local tax assessments. It is more that the city has a better idea of what is needed in the community, and how resources are allocated, not someone in Richmond. It is important to keep responsibility and accountability at the local level, with more control.

Eminent Domain for Redevelopment: Mr. Scruggs commented that he could not envision himself supporting the taking of property by eminent domain in order for a locality to acquire property that would be placed into the hands of developers.

The legislative agenda is on the November 10 agenda for adoption.

Changes to State Personal Property Tax Relief Act (PPTRA), Director of Finance, Phil Serra

Reference for this item was Mr. Tuttle's report dated November 3, 2005. Mr. Serra reported that in 2004 the General Assembly approved legislation to phase out the PPTRA program (car tax programs). Council must now establish an ordinance that sets the framework for implementation and administration of the state tax relief program for FY 2007 and beyond. The Virginia Department of Taxation requires the ordinance be in place by January 1, 2006.

Using a Powerpoint presentation (see attached), Mr. Serra explained the reasons for changes to the law and what the city must do to implement the change. The new program is effectively changed from an entitlement program to a block grant program. The State will distribute \$950 Million each year statewide to Virginia localities. The city will receive a set dollar amount each year based on a fixed percentage of total payments to VA localities for the tax year 2004. However, this same amount of funding will be spread as tax relief over more eligible vehicles as localities grow. The current program ends September 1, 2006 and the city will be transitioning to the new system.

In order to effect the changes set by the General Assembly, an ordinance must be drafted, advertised for public hearing at the December 8, 2005 Council meeting, and adopted by

January 1, 2006. Mr. Serra said that the city will look at the value of eligible vehicles as of January 1, 2006, in order to estimate the revenue as part of the FY 2007 budget.

Mr. Serra said that there should be no impact on the city's revenue if the city does the work that is necessary to estimate revenue from the state. It will depend upon the city's local dollar relief. The changes will be communicated to citizens during the budget process and public notice will be given. People will need to understand that if they are delinquent in paying their personal property taxes for the tax year 2005 and prior, they will not get state tax relief for those years.

Mr. Haulman said this is not a simple process and is uncertain, and will be more work administratively for city staff. The initial amount that comes to the city from the state is formula based, and the city's tax relief rate would diminish if the number of cars in the city increases, since State dollars would need to be spread among more eligible vehicles.

Mr. Serra said that staff will make certain assumptions when it prepares the next budget, and Council have to decide if they want to maintain the \$3.50 tax rate regardless of the tax relief to the taxpayer or maintain the same amount of tax relief, and therefore adjust the rate accordingly.

Mr. Haulman suggested Council decide if they want to look for other revenue sources and get out of the personal property tax business all together since the revenue comprises about 1/30th of the city's total revenue. Mayor Zeidler said that this use to be a growing source of revenue for the localities.

Mr. Freiling asked that an article be included in the next Quarterly Quill regarding this item.

Regional Task Force on Homelessness, Human Services Director, Peter Walentisch

Reference for this item was Mr. Tuttle's report dated November 3, 2005. Mr. Tuttle said that Mr. Walentisch is the city's representative on the task force that was commissioned to study the issue of homelessness in the cities of Hampton, Newport News, Poquoson, and Williamsburg, and in the Counties of Gloucester, James City, and York. A final report is due to the Mayors and Chairs by the end of the calendar year.

Mr. Walentisch said that the task force report will show how to improve data collection, identify barriers, and how to have better system coordination. A homeless person most often falls into one of three categories: local resident in crisis, transient from another region or state, and institutional discharges. The city's Human Service Department is on-call 24/7 to provide emergency assistance to help with sheltering, food, medical care, etc. They work closely with other human services community agencies such as Avalon, Colonial Services Board, and the United Way. Mr. Walentisch reviewed his department's assistance statistics for 2004 and for 2005, and to date 77 people have received assistance. He pointed out that homelessness prevention intervention will be a large part of the report. Some of the barriers that contribute to homelessness are the high cost of living, a livable wage in a seasonal economy, and the high cost of child care.

Mr. Walentisch recommended the following and noted that the first two items will be included in the Regional Task Force report:

1. A better assessment of available resources, and coordination of those resources and a

short and long term action plan.

2. Graduated level of care system on the Peninsula, and to see how gaps in services can be filled and services enhanced.
3. A plan for development of a regional shelter.
4. Each locality should look at its zoning ordinances for establishing shelters.
5. Obtain more public and private support (businesses) and training programs for employment and better wages.

Mayor Zeidler thanked Mr. Walentisch for the report.

Mr. Haulman was pleased to see that this has taken a regional approach to a regional issue and looked forward to receiving the Task Force report. Often this is not the stereotypical homeless problem that people often talk about, but a transitional problem.

Mr. Walentisch said that the city is often a magnet for transients in our area because of our Transportation Center, and that his department offers Travelers' Aid.

Mr. Scruggs congratulated the Mayors and Chairs for recognizing this as a regional issue and appreciated the methodical approach that is being taken. Mr. Walentisch said the Task Force report will emphasize the need to understand that homelessness is a regional, state, and national problem.

Council members appreciated the work and leadership of Mr. Walentisch and his staff, the work that is being done in the community, and looked forward to receiving the Task Force report.

Preview of November 10, 2005 Council Meeting

Council members did not request additional information.

City Council Communications

Healthcare Heroes Luncheon: Mayor Zeidler, Mr. Scruggs and Mr. Tuttle attended the luncheon on November 3. The city's Human Services Department was honored, particularly for its "Summer Youth Program." Mayor Zeidler said it was wonderful to see this successful program recognized and she thanked the department.

Cultural Alliance Allie Awards: On November 6, Mr. Tuttle and Mayor Zeidler attended the awards ceremony at the Ferguson Performing Arts Center. The city was nominated in the business category in recognition of its support of the arts. While the city did not receive an award, it was truly an honor to be nominated. Mayor Zeidler thanked Bert Aaron and Kyra Cook for nominating the city.

Neighborhood Council Meeting: Mayor Zeidler said that Mr. Tuttle discussed the real estate tax and assessment structure. His presentation was very much appreciated. She recognized that Mr. Freiling also attended.

Lunch with William and Mary Student Association: Mr. Chohany and Mayor Zeidler met with the students on November 4. Mr. Chohany said he enjoyed talking with students and that the students were eager to embrace the community.

Design Review Guidelines: Mr. Nester reported that the ARB has finished its role in the process and the Planning Commission will hold a public hearing on November 16. They could make a recommendation to Council following that meeting, perhaps in December. Following that, Council will hold its public hearing.

Schedule of Meetings: November 2005

Council members received a copy of the meeting calendar for November.

OPEN FORUM

Mayor Zeidler asked for public comment.

No one wished to speak. The session was closed.

CLOSED SESSION

Mr. Haulman Moved that City Council go into Closed Session pursuant to Section 2.2-3711 of the Code of Virginia for the purpose of discussing one Personnel matter per subparagraph one concerning appointments to Boards and Commissions, one Property Matter per Subparagraph 3, regarding acquisition of property for public purpose of which discussion in an open meeting would adversely affect bargaining or negotiation strategy of public body, and one legal matter per Subparagraph 7 for the purpose of consultation on specific legal matters requiring the provision of legal advice by counsel, concerning sale of surplus property. The Motion Was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

The meeting adjourned at 3:23 p.m. The Mayor called a five-minute recess.

At 4:10 p.m., Council met in Open Session.

Mr. Haulman Moved the Certification of Closed Meeting. The Motion was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

CERTIFICATION OF CLOSED MEETING

Date: November 7, 2005

Motion: Mr. Haulman; Second: Mr. Freiling

WHEREAS, the City Council of the City of Williamsburg has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the City Council that such meeting was conducted in conformity with Virginia Law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Williamsburg hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the City of Williamsburg.

VOTE:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

Absent During Vote: None

Absent During Meeting: None

The meeting adjourned at 4:11 p.m.

Approved: December 8, 2005

Jeanne Zeidler, Mayor

Shelia Y. Crist
Clerk of Council